

#### **DETAILED ACTION**

This Office action is in response to amendments/arguments filed 10/25/2010. Currently, claims 1-60 are pending and claims 2-30 and 40-60 are withdrawn from consideration in the instant application.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/25/2010 has been entered.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Vera A. Nackovic on 4/6/11.

The application has been amended as follows:

Claims 2-4, 8-11, 16-17, 19-20, 22, 28-30, 40-42, 45-46, 48-51 and 55-60 are hereby cancelled.

In Claim 6, Line 8, "sidewall," has been changed to --sidewall,--

In Claim 6, Line 8, after "sidewall," insert -- wherein, the fabric connector covers a whole surface of the member flange; --

***Election/Restrictions***

This application is in condition for allowance except for the presence of claims 2-4, 8-11, 16-17, 19-20, 22, 28-30, 40-42, 45-46, 48-51 and 55-60 directed to Groups and Species non-elected without traverse. Accordingly, claims 2-4, 8-11, 16-17, 19-20, 22, 28-30, 40-42, 45-46, 48-51 and 55-60 been cancelled.

Claims 1 and 31-39 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 5-7, 12-15, 18, 21, 23-27, 43-44, 47, and 52-54, directed to the non-elected species, but with a generic claim to the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 4/17/2007 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim

presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Allowable Subject Matter***

Claims 1, 5-7, 12-15, 18, 21, 23-27, 31-39, 43-44, 47, and 52-54 allowed over the prior art of record.

***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance: the prior art of record does not fairly teach or suggest a site guard including a hollow member with a flange around the lower edge and a fabric connector affixed to the flange without traversing the sidewall of the hollow member, wherein the fabric connector covers a whole surface of the member flange.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON JACKSON whose telephone number is (571)272-3414. The examiner can normally be reached on Monday - Friday 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571)272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Jackson/  
Examiner, Art Unit 3772

/BLJ/

/Patricia Bianco/  
Supervisory Patent Examiner, Art Unit 3772